

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ALICIA FABRE,

Plaintiff,

-against-

ORDER

13-CV-5278 (JS) (ARL)

BUSY BEE STORES CORPORATION,

Defendant.

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APPEARANCES

For Plaintiff: Alicia Fabre, pro se
10 Crown Avenue
Huntington, NY 11743

For Defendant: No appearances.

SEYBERT, District Judge:

On September 23, 2013, pro se plaintiff Alicia Fabre ("Plaintiff") filed a Complaint in this Court pursuant to Title VII of the Civil Rights Act of 1964, alleging that defendant, Busy Bee Stores Corporation ("Defendant") discriminated against her on the basis of her gender. Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis. Upon review of the declaration in support of the application to proceed in forma pauperis, the Court determines that the Plaintiff's financial status qualifies her to commence this action without prepayment of the filing fee. See 28 U.S.C. §1915(a)(1). Therefore, Plaintiff's request to proceed in forma pauperis is GRANTED.

Having reviewed the pro se Complaint, the undersigned declines to conclude at this stage that the within action is frivolous or malicious or fails to state a claim. While it may be

that Plaintiff is unable to prevail on her claims, the Court's uncertainty does not justify dismissal at this early juncture. McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir. 2004). Accordingly, the application to proceed in forma pauperis is GRANTED and the Court orders service of the Complaint without prepayment of the filing fee.

The Clerk of the Court is directed to forward to the United States Marshal for the Eastern District of New York copies of Plaintiff's Summons, Complaint, and this Order for service upon the Defendant without prepayment of fees. Also, the Clerk of the Court is directed to mail a copy of this Order to the Plaintiff.

SO ORDERED.

/s/ JOANNA SEYBERT
JOANNA SEYBERT, U.S.D.J.

Dated: November 18, 2013
Central Islip, New York